



CITY COUNCIL STAFF REPORT

DATE: December 5, 2019

PUBLIC HEARING

SUBJECT: REQUEST BY THE AGUA CALIENTE BAND OF CAHUILLA INDIANS FOR AN ADMINISTRATIVE REVIEW AND CONFORMITY REPORT FOR THE PALM SPRINGS ARENA, A 252,000 SQUARE-FOOT MULTI-SPORT AND ENTERTAINMENT ARENA, TO BE LOCATED ON A 14.74-ACRE SITE AT THE NORTHEAST CORNER OF NORTH CALLE ENCILIA AND EAST AMADO ROAD IN SECTION 14 (CASE 5.1496).

FROM: David H. Ready, City Manager

BY: Department of Planning Services

SUMMARY:

Pursuant to the Agreement for Tribal/City Land Use Coordination on Certain Parcels (the "Agreement") approved by the Agua Caliente Band of Cahuilla Indians ("Tribe") and the City of Palm Springs, dated December 15, 1998, the Tribe has submitted a Project Report for the development of a multi-sport and entertainment arena to be built on Tribal property at the northeast corner of North Calle Encilia and East Amado Road. The proposed arena will be 252,000 square feet in area, and will be 61 feet in height. The Tribe is partnering with the Oak View Group ("Applicant") to develop the arena.

In accordance with the Agreement, the City has prepared an Administrative Review and Conformity Report for the project. As referenced in the Agreement, the Tribe is a federally-recognized Indian tribe which exercises its sovereign authority over the lands of the Agua Caliente Indian Reservation, and the City has no authority to approve or deny projects undertaken by the Tribe on its own land. However, as referenced in the Agreement, the Tribe and City entered into the Agreement to "cooperate in promoting the orderly and expeditious use and development of all lands of the Agua Caliente Indian Reservation to *their highest and best use*, consistent with principles of sound planning *and the sovereignty of the Tribe.*" (Emphasis added).

The Agreement sets forth a review process for projects undertaken by the Tribe, allowing the City an opportunity for an administrative analysis and preparation of a "Conformity Report". This agenda item allows the City Council to review the Conformity Report and adopt by Resolution recommendations for the Tribal Council to consider in its approval of the arena (similar to conditions of approval issued on all other projects). It is important to note that the Agreement reserves to the Tribe its right to be "free to disregard any or all comments in the Conformity Report or otherwise made by the City Council and may approve or modify the Project in any way the Tribal Council deems appropriate."

Given the Tribe's sovereignty over its lands, the Agreement is a benefit to the community by providing the City an opportunity to complete an administrative analysis and issue a Conformity Report on the Tribe's own development projects, and is a courtesy in that the Tribe will consider the City's recommendations, but is not obligated to do so.

RECOMMENDATION:

1. Open the public hearing and take public input;
2. Consider adoption of Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ISSUING A CONFORMITY REPORT TO THE AGUA CALIENTE BAND OF CAHUILLA INDIANS FOR THE PALM SPRINGS ARENA PROJECT, A 252,000 SQUARE FOOT MULTI-SPORT AND ENTERTAINMENT ARENA, TO BE LOCATED ON A 14.74-ACRE SITE AT THE NORTHEAST CORNER OF NORTH CALLE ENCILIA AND EAST AMADO ROAD IN SECTION 14."

LAND USE DEVELOPMENT ON THE TRIBAL RESERVATION:

It is important to note, the nature of the City's involvement in reviewing and approving land use development on the Tribal Reservation, given the Tribe's sovereignty over its lands pursuant to federal law. The Tribe is not subject to the same state and local laws, including payment of taxes and certain fees.

The Tribal Reservation consists of a checker-board of lands interwoven within the cities of Palm Springs, Cathedral City, and portions of Rancho Mirage, where alternating (generally even-numbered) 1-mile sections¹ of land were set aside by the federal government for use by the Tribe, with the other alternating (generally odd-numbered) 1-mile sections of land considered outside of the Tribal Reservation and under local control.²

Importantly, the Tribal Reservation is made up of certain parcels of land held in Trust for the Tribe itself ("Tribal Trust Lands"), with most other parcels of land on the Tribal Reservation held in Trust for individual Tribal Members ("Allotted Trust Lands").

Given the interwoven status of Tribal and non-Tribal lands within the Reservation and the City, and understanding the importance of having a consistent process for land use

¹ The United States established a Public Land Survey System (PLSS) as a way of subdividing public lands. The PLSS is a rectangular system of surveys, and typically divides land into 6-mile-square "Townships," further subdivided into 36 one-mile square sections of land. A "Section" is a one-mile square area of land, which forms the basic subdivision of public lands in the United States, which is why if you fly across the United States today, you will see below a vast checkerboard, with fields and roads and cities laid out in a precise north-south, east-west arrangement. "Section 14", a common reference to the area of the Tribal Reservation in central Palm Springs, is actually identified as Section 14, Township 4 South, Range 4 East, San Bernardino Meridian, and is a one-mile square area of land bordered by Alejo Road to the north, Ramon Road to the south, Indian Canyon Drive to the west, and Sunrise Way to the east.

² The Tribe retains certain other authorities over lands within the overall exterior boundaries of the Reservation, including lands not held in Trust status (considered "fee" land), including historic designation of properties.

development and zoning standards, the Tribe and City first entered into an agreement on July 26, 1977, whereby the Tribe agreed to adopt all of the City's land use regulations as its own and apply them to Trust Lands located on the Tribal Reservation, and to designate the City as its agent for reviewing and approving projects on Trust Lands, (the "Land Use Agreement"). The Land Use Agreement was later amended various times and excluded from its application Tribal Trust Lands, leaving it to regulate development solely on Allotted Trust Lands.³

The Land Use Agreement has worked well for over 40 years, allowing for the City's review and approval of development projects on Allotted Trust Lands through its typical procedures, which can include architectural review, Planning Commission and ultimately City Council approval. It should be noted that the Land Use Agreement reserved to the Tribal Council the authority to consider any appeal by a party aggrieved by a land use decision by the City, however, this appeal process has rarely been implemented for development projects approved by the City on Allotted Trust Lands.

In October 1998, when the Tribe pursued an amendment to the Land Use Agreement to exclude from its application all existing and future Tribal Trust Lands, the Tribe and City evaluated a process to replace the land use approval process for Tribal Trust Lands with a new cooperative review process. The process was intended to provide an opportunity for beneficial community input during a joint review process for projects undertaken on Tribal Trust Lands (and is the alternative to having no community review process given the Tribe's sovereignty over its own lands).

On January 6, 1999, the City approved the separate Agreement for Tribal/City Land Use Coordination on Certain Parcels (the "Agreement" referenced in the Summary of this staff report), to provide for the City's review of the Tribe's projects. It is important to note Section 6 of the Agreement, which states in part:

6. Final Tribal Action. ...This Agreement deals solely with the consultation process in which the City is being given the opportunity to review and comment on certain projects undertaken by the Tribe, and the Tribal Council retains full and complete authority to make final decisions concerning the development of Tribal Land under its Constitution and applicable federal and Tribal law.

The Agreement has been implemented over the last 20 years to review and issue Conformity Reports on several Tribal projects, including the Section 14 Specific Plan, various Tribal residential projects, the Casino Parking Structure, and most recently the Vision Agua Caliente Master Plan for its Cultural Museum, spa and future hotel and casino expansion.

³ The Land Use Agreement was most recently amended and restated, and approved by the City on September 20, 2018.

In order to comply with the Agreement, the following schedule for review of the Tribe's arena project has been prepared:

Item	Timeline Required	Timeline
1. Pre-Submittal	N/A	N/A
2. Submission of Project Report	90 days prior to Tribal approval	November 4, 2019
3. Administrative Review	CC review 30 days after submission of Project Report	December 5, 2019 ¹
4. Conformity Report	CC adopts within 30 days of receiving Administrative Review <i>(60 days from submittal of Project Report)</i>	December 5, 2019 ¹
5. Joint Meeting	City and Tribal Councils within 30 days of adopting Conformity Report	Waiver of Joint Meeting Requested
6. Final Tribal Action	90 days after submission of Project Report	No sooner than February 2, 2020

¹ The Administrative Review and adoption of the Conformity Report by the City Council may be consolidated into a single review per Section 7 of the Agreement.

Based on the Agreement, the City Council has a total of 60 days from the submittal of the Project Report to perform the Administrative Review and take action on the Conformity Report. Should the City Council deny the Conformity Report or fail to take action within the 60-day timeframe, the Tribal Council has the authority to proceed in taking action on the Project regardless of any decision (or inaction) by the City. Due to certain exigencies of time in proceeding with the Arena project, the Tribe has requested that the City waive certain elements of the Agreement and take action on the Administrative Review and Conformity Report concurrently within 30 days of submittal.

The Agreement allows for a Joint Meeting of the City Council and the Tribal Council once the City Council has taken action on the Conformity Report. Again, due to certain exigencies of time in proceeding with the Arena project, the Tribe has requested that the City Council waive the Joint Meeting.

PROPOSED PROJECT:

The Tribe has submitted a Project Report for the Palm Springs Arena, a 252,000 square foot multi-sport and entertainment arena that will include a practice/training facility, locker rooms, offices and other support spaces, and a surface parking lot with 650 spaces. The principle use of the facility will be for an American Hockey League (AHL) team. The arena will have a total of 10,055 seats when set up for hockey matches, and will have a total of 11,265 seats when set up for concerts.

The proposed building will be located on the southern portion of the 14.74-acre consolidated site that is located at the northeast corner of N. Calle Encilia and E. Amado Road. The surface parking lot will be located on the northern portion of the site; the parking lot is proposed to have vehicular entrances on Calle Encilia, Amado Road, and Calle El Segundo. Delivery trucks will enter the property from the Calle Encilia entrance to the parking lot. In addition to the on-site parking lot, off-site parking is proposed to address the parking needs for the facility, including parking lots that are owned by the Tribe, as well as parking lots that are owned by other private entities.

The building will be a total of 61 feet in height as measured from existing grade; in order to reduce the height and the massing of the structure, the arena floor will be located 25 feet below grade. A plaza area and canopy are proposed along the southern edge of the building, which will be the primary pedestrian entrance to the facility.

The Project Report indicates that the arena would host approximately 107 events per year. The breakdown of events is as follows:

<i>Event Type</i>	<i># Per Year</i>
Hockey (AHL)	38
Concerts	30
Family Shows	33
Corporate/Other	6
<i>Total Events:</i>	<i>107</i>

The report estimates that of the 107 events, approximately 31 events would be full occupancy (or sell-out events). The remaining events would be less than full occupancy, and are estimated to have attendance ranging from 6,500 patrons to 9,000 patrons.

The Project Report notes that the project will be developed by the Tribe in partnership with the Oak View Group. The Oak View Group will be responsible for the operation of the facility; it is estimated that the facility will employ 35 full-time staff members, and up to approximately 250 part-time or temporary employees.

STAFF ANALYSIS – ADMINISTRATIVE REVIEW:

The purpose of the Administrative Review is to determine the following:

- Adequacy of police and fire safety services, and any other services of the City necessary for the project;
- Any health, safety or welfare concerns;
- Compatibility of the project with surrounding properties; and
- Fiscal impact of the project.

The Project Report has been circulated to Police Department, Fire Department, Community & Economic Development Department, Building & Safety Department, and

the Engineering Services Department. The following section of the staff report details the comments from the various departments.

Police Department Review:

As is the Tribe's prerogative, they may provide police services on their lands. However, in the alternative, if they elect for the City to provide such services, the Police Chief and his Staff have reviewed the project and identified impacts associated with the operation of the arena. To adequately address public safety issues associated with these impacts requires additional officers and equipment. A full copy of the Police Chief's memo is included as Attachment 3 to this report.

Below are several excerpts from memo as noted by the Police Chief:

...the new Palm Springs Arena will be centralized in downtown Palm Springs where the entire entertainment district is within walking distance. The Downtown District offers visitors easy walking access to numerous restaurants, bars, shops, and cannabis businesses...

...the expectation of adding approximately 10,000 or more people to the Downtown District not only on arena event days/nights, but also at the same time as regularly scheduled yearly events such as races, parades, festivals, etc...will significantly change the police staffing needs for the City. It is extremely important to consider that police officer staffing cannot be based solely on calls for service. High police visibility is critical to preventing major incidents and stopping them before they arise...

...the planned development of the arena and parking structures and facilities will have a clear and direct impact on the community and our ability to enforce laws, address public nuisances and ensure the safety of visitors and guests. Also, with the scheduled large and small scale planned events hosted at the arena, we anticipate a significant increase in pedestrian and vehicular traffic in the Downtown District area...

In summary, the memo identifies that events at the arena will bring over 11,000 attendees to the downtown area, and that many of the attendees will be coming from off-site parking lots or downtown hotels and restaurants. This dispersal of attendees throughout the downtown area will result in the need for additional police staffing to address public safety needs throughout the area in addition to any private security that may be in place on the arena property. Moreover, special events that overlap with arena events will only exacerbate the need for additional staffing in the downtown area.

Based on the anticipated impacts of the proposed arena facility, the Chief of Police has identified the need for the following additional personnel and equipment:

- (1) Police Lieutenant: \$238,455 annually (salary and benefits);
- (1) Police Sergeant: \$183,412 annually (salary and benefits);

- (8) Police Officers: \$146,927 per officer annually (salary and benefits);
- (2) Community Services Officers: \$89,007 per officer annually (salary and benefits);
- Equipment for each additional officer: \$180,000 (one-time cost); and
- (2) Police motorcycles, (6) patrol vehicles: \$495,000 (one-time cost).

The total funding the Police Department has identified for the personnel and equipment necessary to provide public safety services to the arena project beginning in FY 2020/21 (July 1, 2020) is approximately \$2.5 million in order for the City to be prepared to provide the additional public safety services required for the arena project. The Police Department observes that these funds are required in advance of the opening of the arena, so that new personnel could be hired and trained, and equipment purchased, by the time the arena opens in October 2021. It is important to note that the personnel costs for the additional Police Department staff (including increasing PERS liabilities) will be an annual and ongoing expense, as well as maintenance of vehicles and equipment.

Fire Department Review:

As noted above under Police Department Review, the Tribe may choose to provide Fire/Paramedic services to address additional safety requirements associated with the new arena project. However, in anticipation of the City taking on this responsibility, the Fire Chief and Staff have reviewed the project to assess equipment and personnel needs based on the proposed scope and scale of development. A copy of the memo from the Fire Chief is included as Attachment 4 to this report. Several relevant excerpts from the memo are as follows:

...the potential for man-made disasters is a greater possibility at a venue where a large number of people will be assembled at one time. Additionally, if a natural disaster were to occur during a sporting/entertainment event, the resources identified in the Palm Springs Fire Department Standard Operating Guideline would be required as soon as possible for optimal effectiveness in saving lives.

...National Fire Protection Association (NFPA) Standard 1710 provides the minimum requirements relating to the organization and deployment of fire suppression operations, emergency medical operations, and special operations to the public by career fire departments. NFPA 1710 Standard initial full alarm assignment to a fire in a building, which requires the firefighter assignments necessary to mitigate an incident in an assembly occupancy of the "Arena" magnitude, must provide for a minimum of 43 firefighters if the building is equipped with a fire pump.

In summary, given the staffing required to immediately respond to a large-scale event at the arena exceeds the current daily staffing available, in combination with the expectation that a large-scale event may occur simultaneously with other calls for service, the Fire Chief recommended the following increases in personnel and equipment:

Based on the anticipated impacts of the facility, the Fire Chief has identified the need for the following additional personnel and equipment:

- (3) Fire Captains: \$244,961 per Captain annually (salary/benefits);
- (3) Fire Engineers: \$198,370 per Engineer annually (salary/benefits);
- (3) Firefighter/Paramedics: \$169,233 per Firefighter annually (salary/benefits);
- (2) Fire Engines: \$850,000 each; and
- (1) Ladder Truck: \$1,500,000.

Total funding the Fire Department recommends for additional personnel and equipment necessary to provide public safety services to the arena project beginning in FY 2020/21 (July 1, 2020) is approximately \$5 million dollars, which includes personnel costs of \$1.8 million dollars and a one-time cost of \$3.2 million dollars for equipment. Early funding prior to the arena completion allows for hiring and training of new personnel. Also, purchasing new fire apparatus has an order lead time of up to one year for fire engines and ladder trucks.

Additionally, the Fire Chief has observed that the existing Fire Station #1 located on Indian Canyon Drive near Amado Road is inadequate to provide the public safety services to the arena project. As noted in the memo, it is important to have a ladder truck in close proximity to the arena project within the Downtown District, and currently, the City's only ladder truck is parked at Fire Station #2 given the size of the equipment and lack of space to park it at Fire Station #1. Specifically, in the memo the Fire Chief notes the following:

Relocating the Ladder Truck will require rebuilding Fire Station #1 at a new location for these reasons:

- 1) A Ladder Truck will not fit in the apparatus bay at the existing station
- 2) The current station will not accommodate housing the ten personnel that would be assigned daily to the Engine, Ladder Truck and Medic Unit
- 3) Expanding the current fire station to accommodate reason 1 and 2 is not a feasible option due to
 - a) the lot size is too small (even if the vacant lot and restaurant land to the North were utilized) and
 - b) the building's historic designation limits many design features necessary for the functionality of a modern fire station and
 - c) lack of space for apparatus drive thru capabilities and
 - d) adequate parking spaces could not be accommodated.
- 4) Moving Station #1 further East to a location, more centrally located, in the vicinity of Tahquitz/Caballeros would mediate moving the Ladder Truck too far West of its current location and provide better Ladder Truck response times to the entire City.

The City recently remodeled and expanded Fire Station #4 at a cost of approximately \$5 million. It is estimated that the construction of a new Fire Station #1 would cost approximately \$12 to \$15 million depending upon land costs.

Prior Safety Service Funding - Gaming Compact / Special Distribution Funds

In 1999, the Tribe first entered into a Tribal-State Gaming Compact (the “1999 Compact”) with the state to conduct gaming on its Reservation. As part of the 1999 Compact, the Tribe agreed to pay a percentage of slot machine proceeds into different state funds, including a “Special Distribution Fund” or “SDF”. The SDF was designated to fund, in part, mitigation of certain impacts due to Indian gaming. Specifically, of the four legislative purposes for use of the SDF was: *“Compensation to state and local government for law enforcement, fire, public safety, and other emergency response services provided in response to or arising from any threat to the health, welfare and safety of Gaming Facility patrons, employees, tribal members or the public generally...”*

Senate Bill 621 (SB 621) passed in 2003, established the method of calculating the distribution of appropriations from the SDF for grants to local government agencies impacted by Indian gaming. Through SB 621 an Indian Gaming Local Community Benefit Committee (the “Committee”) was established in Riverside County to select grant projects, affirmatively sponsored by the Tribe, to mitigate impacts due to its gaming operations.

At the height of SDF funding in 2005/2006, the City of Palm Springs was awarded approximately \$1,400,000 in local mitigation grants for police and fire services through the state. Due to changes in state gaming compact agreements, the City has not received any SDF funding since 2010/2011.

Building Permits/Impact Fees:

The Tribe retains sole authority for review and approval of construction documents and issuing building permits pursuant to the Tribal Building and Safety Code for projects located on Tribal Trust Lands. The Building & Safety department has no role in reviewing the Tribe’s construction documents, issuing related permits, or collecting impact fees for the proposed arena, as the facility is on land owned directly by the Tribe. However, the City is recommending that the Tribe require the Applicant to pay for certain impact fees (TUMF – transportation uniform mitigation fee, and sewer connection fees). The Tribe will be responsible for ensuring construction of the arena complies with its Building and Safety Code, and other applicable federal regulations relating to dust control, stormwater erosion, and similar requirements.

Taxes and Revenue:

As noted earlier in this staff report, the Tribe as a sovereign nation is not subject to state and local laws, regulations, fees, or charges. However, for development on Allotted Trust Lands, the Tribe has agreed through the Land Use Agreement to allow the City to apply and collect standard taxes and fees on development projects on Allotted parcels as a condition of development. However, development of Tribal Trust Land remains exempt from the collection of standard taxes and fees that would typically accrue to the City for similar projects.

Given the Tribal Trust Land status of the property, development of the arena project will not generate the direct taxes otherwise generated on Allotted Trust Lands or elsewhere throughout the City. Absent the collection of these taxes, the City must depend on other funding mechanisms to address the additional services that will be necessary for the proposed arena. The funding mechanisms should address the ongoing need for services, rather than a one-time payment. The Project Report indicates that the project will result in additional sales tax and Transient Occupancy Tax (TOT) revenues, provide a stimulus for economic development in the area, and provide new job opportunities. However, the report does not provide any quantitative fiscal analysis on the projected tax revenues, making it difficult to evaluate whether the additional tax revenues will assist in offsetting the annual costs to the City of providing services for the arena.

It is recommended that the City and Tribe continue to meet and discuss partnering on methods for the City to receive revenue it otherwise would receive from any other development, as a means of providing the additional general and public safety services to the Tribe and its arena project. As an example of how this may occur, in 1993 the City entered into an agreement with the Agua Caliente Development Authority ("ACDA") on collection and payment of an in-lieu of transient occupancy taxes (as a Sovereign Nation, the Tribe is not required to pay taxes) on the ACDA's Spa Hotel. In that agreement, although the ACDA enjoys all the same sovereign immunities as the Tribe, the ACDA agreed to allow the Spa Hotel operator to collect and pay an in-lieu amount to the City.

The agreement with the ACDA extended to 2003, whereupon it expired. However, at that time the Tribe agreed to provide funding of \$700,000 annually to promote tourism and tourist-related facilities within the City, and the Spa Resort and Casino in particular. This funding was to be generated directly from the Tribe's Spa Resort operations, which ceased upon its demolition.

Economic Analysis:

The Applicant has not provided an economic study, detailing the potential economic benefits of the arena project. The Applicant has indicated that a study will be available at the public meeting on December 5th.

STAFF ANALYSIS – CONFORMITY REPORT:

Per the Agreement with the Tribe, the Conformity Report shall detail the conformance of the project to existing City rules and regulations, and the compatibility of the project with surrounding properties. The following tables and discussion provides an analysis of the project relative to the requirements of the Section 14 Specific Plan.

Site Area and Proposed Use:

<i>Site Area</i>	
Net Acres	14.74 Acres

<i>Surrounding Property</i>	<i>Existing Land Use Per Chapter 92</i>	<i>Existing General Plan Designation</i>	<i>Existing Zoning Designation</i>
Subject Property	Undeveloped; Parking Lot Use; Single-Family Residential Use	TRC (Tourist Resort Commercial); MDR (Medium-Density Residential)	RA (Resort Attraction)
North	Single-Family Residential Use	VLDR (Very-Low Density Residential)	R-1-B (Single-Family Residential)
South	Casino Use	TRC (Tourist Resort Commercial)	RA (Resort Attraction)
East	Multifamily Residential Use	HDR (High-Density Residential); MDR (Medium-Density Residential)	MBR (Medium Density Residential Buffer); HR (High Density Residential)
West	Multifamily Residential Use; Retail Use; Restaurant Use	TRC (Tourist Resort Commercial)	HR (High Density Residential); REO (Specialty Retail-Entertainment-Office)

<i>Allowable Land Uses (Table 6-1, Section 14 Specific Plan)</i>		
<i>Proposed Use</i>	<i>Allowable Uses</i>	<i>Compliance</i>
Multi-sport and Entertainment Arena	Indoor Amusement/Entertainment Centers	Y

The Section 14 Specific Plan designates the subject site as RA (Resort Attraction), which allows for a mixture of hospitality, retail, and entertainment uses. The Specific Plan states as follows:

“Resort Attraction (RA) – This designation allows for large-scale resort hotel complexes, hotels, and major commercial recreation attractions integrated with retail and entertainment facilities.”

The proposed arena facility is consistent with the definition of a “commercial recreation attraction,” and is therefore consistent with the Section 14 Specific Plan.

While the proposed arena is a permitted use in the RA (Resort Attraction) land use designation, the project will pose impacts to adjacent existing residential properties. The project site is bordered by the Movie Colony Neighborhood to the north, and also has

three multifamily developments to the east and the west of the site (Villa Alejo to the west, and St. Tropez Villas, Deauville Condominiums, and Plaza Villas to the east). While the Applicant has located the building at the south side of the development site away from the single-family neighborhood, and has exercised care in reducing the height and massing of the facility so as to reduce visual impacts, the traffic and parking impacts associated with the arena will impact these residential uses.

Development Standards:

<i>Development Standards (Table 6-2, Section 14 Specific Plan)</i>			
<i>Standard</i>	<i>Required/ Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	2.0 acres	14.78 acres	Y
Floor Area Ratio (FAR)	1.0 FAR (up to 3.0 FAR as a consolidated project)	.39 FAR	Y
Max. Building Height	35 Feet; high-rise buildings up to 100 feet may be permitted with CUP	61 Feet	Y
Min. Open Space	30%; 40% required for high-rise buildings	25.7%	N
Compatibility with Surrounding Development	Equivalent design on all 4 sides of the building; parking adequately screened	See evaluation under Design Guidelines section of the report (<i>Sections 7.1.3 and 7.3.2</i>)	Partial
Building Location	Buildings should be located as close as possible to the required front setback	Conforms on east and west setbacks; additional setback provided from north and south frontages	Partial
Primary Frontage	Calle Encilia shall be considered the primary frontage where RA lots do not abut Tahquitz Canyon or Indian Canyon	Primary entry plaza located on Calle Encilia	Y

<i>Development Standards (Table 6-2, Section 14 Specific Plan)</i>			
<i>Standard</i>	<i>Required/ Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Ground Floor Façade Treatment	Visual interest along ground floor required	See evaluation under Design Guidelines section of the report (<i>Sections 7.1.3 and 7.2.1</i>)	Partial
Min. Setbacks			
• Front (north)	20 Feet	630 Feet	Y
• Front (south)	20 Feet	85 Feet	Y
• Side (east)	20 Feet	20 Feet	Y
• Side (west)	20 Feet	21 Feet	Y
Features Required within the Front Setback	50% of setback shall be decorative landscaping; the remainder may be decorative paving		
Setbacks for High-Rise Buildings	Exempt from setback requirements of PSZC 93.04.00; 1' horizontal setback for 1' vertical height from residential district	61' setback required from residential district; 80' setback provided	Y
Min. Lot Size	2.0 acres	14.74 acres	Y
Service Access	Direct access to service shall not be allowed from Tahquitz Canyon or Indian Canyon	Service access is from Calle Encilia	Y

The proposed project qualifies as a Consolidated Project under Section 6.5 of the Section 14 Specific Plan. A consolidated project is defined as a development where two or more parcels totaling a minimum of five acres are consolidated into one planned project; this project entails the consolidation of 22 parcels into a 14.78-acre development site. The Section 14 Specific Plan allows certain incentives for Consolidated Projects, including an increased Floor Area Ratio, an expedited approval process, and financial incentives as detailed in Chapter 8 of the specific plan.

The proposed project is in compliance with many aspects of the development standards, but requires additional attention to the following:

- Does not comply with the minimum open space requirements;
- Additional consideration needed in the design of the west, north, and east elevations to include additional articulation and visual interest at the ground level; and
- Parking lot screening is required around the perimeter of the surface parking lot.

Parking Requirements:

<i>Parking Requirement (Table 6-4, Section 14 Specific Plan)</i>							
Use	SF or # of Units	Parking Ratio	Required		Provided		Comp.
			Reg.	Handi-cap	Reg.	Handi-cap	
Indoor Amusement/ Entertainment	11,265 Seats	1 per 5 ¹ seats	2,253		650		
TOTAL SPACES REQUIRED			2,253		650		N
Regular and Handicap Spaces Req.			2,220	33	650	Not Indicated	N

¹Section 6.4 of the Section 14 Specific Plan allows the parking standards of the Downtown Parking Combining Zone to be applied to the area of Section 14 west of Avenida Caballeros; the parking requirement for assembly uses is 1 parking space for every 5 seats.

Based on the above analysis, the arena project is deficient by 1,603 on-site parking spaces. Staff recommends that the Tribe require its Applicant to provide all of the required on-site parking in conformance with the Section 14 Specific Plan, and as normally required with any other development project.

Alternative to this approach, the Applicant has provided a parking analysis in Appendix E of the Preliminary Environmental Project Review, identifying additional off-site parking spaces that may be available for the arena facility. The off-site spaces include spaces at parking lots owned directly by the Tribe, as well as spaces at private lots owned by other entities, including public parking lots owned by the City. The following tables summarize the location and number of parking spaces available within a 10-minute (1/2-mile) walk of the proposed arena as identified in the Applicant's parking analysis.

<i>Off-Site Parking – Tribal Properties</i>		
<i>Tribal Properties – ¼ Mile</i>	<i>Address</i>	<i># of Spaces</i>
Casino Parking Garage	401 E. Amado	740 Spaces
West Encilia Parking Lot	Calle Encilia (#508-031-017)	200 Spaces
<i>Tribal Properties – ½ Mile</i>	<i>Address</i>	<i># of Spaces</i>
Office Parking Lot	960 E. Tahquitz Canyon	115 Spaces
Office Parking Lot	901 E. Tahquitz Canyon	122 Spaces
Total Available Tribal Spaces:		1,177 Spaces

As the casino will be open at the same time as events being held at the arena, it is assumed that only a portion of the spaces will be available for use by arena patrons. Additionally, the parking analysis assumes the Tribe's "West Encilia Parking Lot" will remain a permanent parking lot, but this fact has not been confirmed with the Tribe. It is also unknown whether the Tribe's other parking lots on Tahquitz Canyon Way will remain available for the duration of the arena's operations.

The Applicant's parking analysis also identifies the following specific private or publicly owned parking lots, and is summarized here for informational purposes.

<i>Off-Site Parking – Public & Private Properties</i>		
<i>Public/Private Properties – ¼ Mile</i>	<i>Address</i>	<i># of Spaces</i>
Prairie Schooner Parking Lot	SEC Andreas & El Segundo	536 Spaces
<i>Public/Private Properties – ½ Mile</i>	<i>Address</i>	<i># of Spaces</i>
Convention Center East Lot	SEC Amado & Ave. Caballeros	906 Spaces
Courtyard Garage (Upper Deck)	777 E. Tahquitz Canyon	215 Spaces
Total Available Private Spaces:		1,657 Spaces

The parking analysis should not assume use of these off-site parking spaces, as the current and existing use may change over time. In particular, as the City has recently entered into an operating agreement with AEG (now ASM Global) for the Convention Center, the expectation is that larger and more frequent events will occur, requiring the City's use of the two parking lots adjacent to the Convention Center. Further, the Courtyard recently received approval to redevelop a significant portion of the office complex into a new entertainment complex with reimagined restaurants and other uses. This new development, if constructed, will require greater use of its parking lot, rendering it unavailable for arena events.

In the absence of the Applicant constructing the additional 1,603 on-site parking spaces, the Applicant assumes the availability of these public and private parking lots for the arena; this availability cannot be guaranteed. Any use of these or other parking lots would require separate agreements for use of the spaces, including a commitment to avoid scheduling of arena events with other events at private facilities or at the City's Convention Center, as described in the parking management plan so as to avoid overlapping usage.

In the absence of the Applicant constructing the additional 1,603 on-site parking spaces, conditions of approval (Conditions ENG 50 and ENG 52) have been included to require the submittal of a parking management plan to address the use of off-site parking lots and timing of events.

The parking analysis suggests that the Downtown Project parking garage would be available for arena patrons; however, the spaces in the parking garage are already

committed for use by patrons of the Downtown Project as well as other downtown merchants, and may not have sufficient capacity for use by the arena for all of its events, particularly sold-out events on weekends. Moreover, as residents and visitors continue to increase their use of the Downtown Project parking garage, its assumed excess capacity to be used by the arena will diminish.

Although the parking analysis did not identify the City's other public parking lots within the Downtown area, staff concludes that the arena patrons will find and use these parking lots absent any changes to their operation through stricter time-limited / enforcement, or paid parking metering.

For these reasons, the conditions of approval (ENG 52) includes an element of the Parking Management Plan that requires the Applicant to "redirect parking away from the City's public parking lots." Any assumption on the use of these public parking lots is misguided, and presumes that the City will agree to allocate these spaces to the Applicant for its use.

Another issue with the use of off-site parking spaces is that arena patrons will need to be directed to the off-site parking lots. As many of the patrons will not be from the area, the use of off-site parking lots may result in wayfinding issues, as well as patrons parking in unauthorized locations. While the use of off-site lots may assist in dispersing traffic from the facility, it will require personnel at key intersections to assist in directing traffic. These requirements have been included as a suggested condition of approval of the project (Condition ENG 51).

The Applicant's parking analysis makes another assumption in the use of the City's existing on-street parking spaces. The analysis identifies the quantity of on-street parking spaces that it has relied upon to satisfy the required on-site parking spaces for the arena project. Staff notes that the City's Zoning Code is clear: on-street parking cannot be considered to satisfy a project's required on-site parking. On-street parking spaces have been developed and maintained by the City for the benefit of the general public, and not to be used for any specific property. The on-street spaces identified in the parking analysis and assumed for use by the arena project are summarized as follows:

<i>On-Street Parking</i>	<i># of Spaces</i>
On-Street Parking – within ¼ mile	560 Spaces
On-Street Parking – within ½ mile	1,054 Spaces
Total Available On-Street Spaces:	1,614 Spaces

Staff recommends that the Tribe not allow the Applicant to consider using currently available on-street parking spaces. Although the parking analysis has gone to great lengths to inventory and identify the current use of these spaces, staff questions the timing of the parking analysis (in May) as opposed to peak season (November – March) where demand is significant for parking in the Downtown and Uptown Districts. Staff has observed and is aware that certain businesses along Palm Canyon Drive and Indian

Canyon Drive lacking sufficient on-site parking spaces are dependent upon adjacent on-street parking spaces. Sacrificing the City's existing merchants' use of these spaces for the benefit of the arena is not acceptable.

More importantly, the City's own efforts to improve local tourism, through development of the Downtown Project, incentivizing hotel redevelopment, new restaurants, and with the renewed management of the Convention Center – all of these efforts are expected to increase the draw of visitors to the City without the additional influx of visitors expected to the arena project. The City now requires additional on-street parking spaces simply to supply parking for its regularly scheduled major events and parades.

For these reasons, staff recommends that the Tribe require that the Applicant complete the installation of angled on-street parking in accordance with the Tribe's Section 14 Angled Parking Conceptual Design Plan (Condition ENG 4). A copy of this Plan is included as Attachment 8 to this staff report, and if implemented, would add 282 new on-street parking spaces, and improve pedestrian crossings at most of the affected intersections in Section 14. The implementation of angled parking on adjacent streets would increase parking capacity and reduce on-street parking demand in other neighborhoods. This recommendation is not intended to offer these on-street parking spaces for use by the arena, but to mitigate the City's anticipation of the indirect effect the arena will cause on its use of existing on-street parking spaces, absent the Applicant's construction of required on-site parking spaces, and with the City's implementation of stricter time-limited enforcement, or paid parking metering.

The Applicant's failure to provide all the required on-site parking spaces causes direct impacts to adjacent residential condominium developments and neighborhoods. The Applicant's parking analysis merely assumes that no on-street parking will occur within neighborhoods located north of Alejo Road on the premise that the Parking Management Plan would "...ensure arena patrons do not park in these neighborhoods."

This assumption is fundamentally flawed for several reasons.

First, there is a residential neighborhood located south of Alejo Road and west of Palm Canyon Drive that will be directly impacted by the arena project, as it is currently impacted every Thursday night with the City's Villagefest event, parades, and generally with the continued increase in tourism Downtown.

Second, the parking analysis assumes that no arena patron will seek out on-street parking spaces beyond ½ mile of the arena, as ½ mile is presumably the limit to which a patron will walk from a parked car to the arena. However, with the advent of Uber/Lyft it can be expected that patrons will pursue the closest available unrestricted on-street parking space, and if required, utilize Uber/Lyft for pickup and drop off to the arena. Therefore, impacts to neighborhoods beyond ½ mile are expected.

Third, the parking analysis merely identifies that the Parking Management Plan will include a "Neighborhood Parking Protection Plan" that would "implement restrictive

measures to prevent parking in neighborhoods.” The analysis lacks specificity on how the arena’s impacts to the City’s neighborhoods will be mitigated.

Again, absent the Applicant’s construction of an additional 1,603 on-site parking spaces, patrons of the arena will find and use all available on-street parking spaces in the vicinity, and likely extending to as far as 1 mile from the arena. Staff recognizes that centralizing all of the arena’s parking in one location may have other consequences, including significant traffic congestion before and after events on streets directly adjacent to the arena. However, the benefit is to reduce as much as possible the impact to the City’s residential neighborhoods and commercial business districts where on-street parking is a vital resource and an important measure of our quality of life.

The Applicant’s assumptions in utilizing its perceived “excess capacity” of available off-site parking and on-street parking spaces, to which the City has not agreed, forces the City in an unexpected position of considering a paradigm shift in how it approaches parking management within the City, for both its residential neighborhoods and commercial business districts. To the extent the Tribe does not require the Applicant to provide all required parking for the arena on-site, which it is entitled to do pursuant to its sovereign status, the City will be required to initiate significant changes to the way in which it manages public parking throughout the area affected by the arena.

It is for these reasons, and to protect affected residential neighborhoods, a residential parking permit program should be developed by the City through extensive outreach and coordination with affected neighborhoods. The details on the parking permit program, days/hours of parking restrictions, and enforcement, will require continued analysis by the City through this outreach and coordination. As this is a real and direct impact caused by the arena, the recommendation imposes the costs for development and implementation of the parking permit program on the Applicant. Staff expects that certain up-front costs will occur, including installation of parking enforcement signs along all affected residential streets, production of permits, establishment of parking management controls, and deployment of parking enforcement.

Adjacent residential condominium developments with open surface parking lots for guest parking will likewise be forced to implement controlled access to avoid arena patrons from utilizing their guest parking spaces. A condition of approval has been included requiring the Applicant to coordinate with any affected condominium development and to implement if required by that development, at its cost, improvements and measures to regulate and control access.

The Applicant’s parking analysis was peer-reviewed for the City by its parking management consultant LAZ Parking (“LAZ”). LAZ was previously commissioned by PS Resorts in March 2019 to evaluate the City’s parking system in the Central Business District, and surveyed 350 existing on-street parking spaces within the core downtown with the boundaries of Palm Canyon Drive and Indian Canyon Drive between Alejo Road and Baristo Road. LAZ also surveyed the City’s nine parking facilities within this area with a total of 1,927 parking spaces.

Specifically, LAZ notes in its summary report the observations LAZ made from its earlier March 2019 study:

Our study effort, which was conducted during the peak season, concluded that there is generally sufficient parking to meet current demand throughout the study area. However, there are periods throughout the day that certain parking areas and facilities have reached their effective capacity. This creates the perception that there is not enough parking supply to meet demand. Further we identified that there are essential two peak periods of demand including an afternoon peak and an evening peak. This is typical of a vibrant downtown that offers a diverse mix of commercial, entertainment, and residential use.

- *The afternoon peak occurs during the hours of 11:00 am and 2:00 pm*
- *The evening peak occurs during the hours of 6:00 pm and 9:00 pm*

Staff notes that the evening peak hour coincides with many of the events to be scheduled at the arena. LAZ also observed that there is significant on-street parking demand along Palm Canyon Drive between Baristo Road and Alejo Road, with many blocks 100% occupied.

An important observation made by LAZ worth repeating here, directly relevant to the City's concerns for deficient on-site parking at the arena, is:

However, while the consultant concluded that there is sufficient supply to meet the parking demands of the proposed Arena, we are concerned that the development, without implementing parking management and mitigating strategies, could overburden the public parking supply and create challenges for neighboring business and residential neighborhoods. In addition, as the downtown continues to develop and proposer and considering the seasonality of tourism and activities in Palm Springs, we would caution against over committing current parking surplus to a future development.

LAZ's initial recommendation to the City from its earlier March 2019 study was to implement stricter time-enforcement (as an example, allow 2 hours free parking and enforce for longer periods of the day [8am to 8pm], rather than 3 hours free parking enforced 12pm to 8pm). This recommendation preceded any indication of the Tribe's arena project, and is made more relevant with it.

LAZ's summary report regarding its review of the parking analysis for the arena project is included as Attachment 9.

To the extent the Applicant does not provide its required on-site parking and continues to rely upon off-site public or private parking lots, or on-street public parking spaces, LAZ recommends establishing a Parking Management District for residential and commercial parking to facilitate implementation of the Transportation and Parking Management Plan

called for in the parking analysis. LAZ recommends the city consider implementing paid parking in the Downtown Business District, coupled with time restrictions, to encourage turnover of the highest demand spaces and to prevent conflicts with businesses that are dependent on the curbside on-street parking spaces.

Here again, the Applicant's assumptions forces the City in an unexpected position of considering a paradigm shift in how it approaches parking management within the City. In light of LAZ's recommendations, staff has included a condition of approval requiring that a metering system be developed and implemented for on-street parking spaces extending within 1 mile of the arena site. The details on a metered parking program, including the days or hours where paid parking is enforced, the affected streets, and enforcement, will require continued analysis by the City through extensive outreach and coordination with all affected businesses and other stakeholders.

As this is a real and direct impact caused by the arena, the recommendation imposes the costs for development and implementation of the metered parking program on the Applicant. Staff expects that certain up-front costs will occur, including installation of new parking enforcement signs along all affected streets, installation of meters (kiosks or other similar technology [not individual meters] at locations to be determined), establishment of parking management controls, and deployment of parking enforcement (Condition ENG 52).

Implementation of a metered parking program will encourage the use of the off-site parking lots that have been specifically designated for arena patrons, while allowing the use of on-street spaces for patrons of other downtown businesses. However, as noted, this recommendation is a significant departure from the City's historic free-parking system, and would generally require everyone to pay to park in the premium on-street parking spaces. Additional costs for parking enforcement will be incurred as a new parking management program will need to be implemented to patrol the metered parking spaces (Condition ENG 52 includes a provision for the applicant to pay for all costs associated with parking enforcement).

It is also recommended that the Applicant pursue the use of alternative transit options, such as the Buzz Trolley and hotel shuttle vans, to assist in reducing parking demand for the arena project and associated impacts to adjacent properties and businesses (Condition ENG 52).

In the absence of the Applicant providing 100% of its required on-site parking, staff summarizes the recommended approach to mitigating the Applicant's deficiency with on-site parking at the arena, included as a condition of approval (ENG52) that outlines the elements of the required Parking Management Plan:

- Redirect parking away from all existing City parking lots and parking garages;
- Develop and implement a Residential Permit Parking Program for all neighborhoods within 1 mile of the arena (with boundaries to be adjusted as determined by the City);
- Develop and implement a Metered Parking Program for all on-street public parking

spaces located within 1 mile of the arena (subject to review and approval by stakeholders and the City, with boundaries to be adjusted as determined by the City);

- Reimburse the City for all of its costs with additional parking enforcement related to the Residential Permit Parking Program and Metered Parking Program;
- Develop and implement real-time parking management information via web/mobile app showing parking procedures, maps of available parking facilities, travel routes, ride-share locations, transit, and similar information;
- Develop and implement a Parking Reduction Program by coordinating shuttle service with local hotels, ride-share programs, expanded Buzz trolley service, etc.;
- Deploy electronic message boards to guide traffic to available parking; and
- Continuous coordination with the City on event scheduling and availability of off-site parking facilities.

Traffic Impacts:

The Applicant has provided a transportation study also included in Appendix E of the Preliminary Environment Project Review, analyzing traffic surrounding the arena facility. The transportation study analyzed the following scenarios:

- Existing conditions (2019);
- Future conditions without project (2022);
- Future conditions with project (2022); and
- Transportation management plan.

Existing traffic counts were conducted in May 2019 at 77 different intersections and on 48 different roadway segments to establish existing volumes and Level of Service of the City's transportation system. Staff notes that traffic volumes in May are generally reduced from the "peak season" occurring generally from November through April. Typically, a traffic study will apply a "peak season factor" to account for reduced traffic occurring during off-season. In this case, the Applicant's consultant referred to guidance in the Section 14 Specific Plan Update traffic impact study, that suggest a 10% peak season factor for traffic volumes obtained in the spring. The City Engineer observes that a more conservative approach may utilize a higher peak-season factor, with reference to available traffic data on similar roadways taken at different times of the year.

Traffic volumes on a roadway are directly linked to how that roadway functions, referred to as its "Level of Service." The following discussion on Level of Service is taken directly from the Circulation Element of the City's General Plan:

"Level of Service" (LOS) is a qualitative means of measuring speed and travel time, traffic interruptions, freedom to maneuver, safety, and driving comfort and convenience on the City's existing and future roadway network.

Levels of service are designated by grades of A (excellent, free flow) through F (failure, jammed conditions). LOS can also be represented as

volume-to-capacity ratios (V/C), or in other words, the average daily traffic (ADT) volume for the roadway divided by the theoretical roadway capacity as defined by its designated roadway classification. As the V/C ratio approaches 1.0, the roadway approaches LOS F (as shown in Table 4-2 of the Circulation Element, provided below).

Table 4-2
Level of Service Definitions for Roadway Segments

Level of Service	Volume-to-Capacity Ratio	Definition
A	0.00–0.60	EXCELLENT. Free flow, light volumes
B	0.61–0.70	VERY GOOD. Free to stable flow, light to moderate volumes
C	0.71–0.80	GOOD. Stable flow, moderate volumes, freedom to maneuver noticeably restricted
D	0.81–0.90	FAIR. Approaches unstable flow, moderate to heavy volumes, limited freedom to maneuver
E	0.91–0.99	POOR. Extremely unstable flow, heavy volumes, maneuverability and psychological comfort extremely poor
F	≥ 1.00	FAILURE. Forced or breakdown conditions, slow speeds, tremendous delays with continuously increasing queue lengths

Source: Transportation Research Board, Highway Capacity Manual Special Report 209, 2000.

The City has established that roadways and intersections shall operate at LOS D or better to maintain a successful circulation system and to be consistent with the Riverside County Congestion Management Program (CMP). The intent of the CMP is to create more direct links between land use, transportation, and air quality, thereby prompting reasonable growth management programs that will effectively utilize new transportation funds, alleviate traffic congestion and related impacts, and improve air quality.”

Consistent with this fact, General Plan Policy CR1.13 states: *“Require the owner or applicant of new development projects to fund the cost to mitigate traffic impacts generated by the new development project to LOS D or better.”*

Based on existing traffic volumes, the Applicant’s transportation analysis report determined that the majority of the City’s intersections operate at LOS A, B or C, with very few operating at LOS D or worse, as shown in the table on the following page.

Existing Conditions – Intersection Level of Service (LOS) Summary

Scenario	LOS						Total
	A	B	C	D	E	F	
Thursday Pre- Event	34	27	14	1	1	0	77
Thursday Post-Event	41	32	4	0	0	0	77
Friday Pre-Event	36	30	10	1	0	0	77
Friday Post-Event	49	25	3	0	0	0	77
Saturday Pre-Event	41	28	7	1	0	0	77
Saturday Post-Event	48	24	5	0	0	0	77
Sunday Pre-Event	33	34	7	3	0	0	77
Sunday Post-Event	39	29	9	0	0	0	77

Similarly, based on existing traffic volumes, the transportation analysis report determined that all of the studied roadway segments (with the exception of one or two based on the day) operate at LOS A, B, or C, with none operating at LOS E or F, as shown in the table below:

Existing Roadway Segment Level of Service (LOS) Summary

Scenario	LOS				Total
	≤C	D	E	F	
Thursday	47	1	0	0	48
Friday	46	2	0	0	48
Saturday	48	0	0	0	48
Sunday	48	0	0	0	48

This confirms the general perception that currently, most City streets can carry traffic in near free-flowing condition, with congestion occurring at major intersections during peak hours (lunchtime and after work). However, as noted, the City's General Plan, consistent with the Riverside county CMP, allows for traffic congestion to occur on City streets up to what is identified as LOS D.

In that context, the transportation analysis report estimated the total traffic volume generated by the arena, and determined how the City's transportation system can effectively accommodate that volume of traffic over a short timeframe both prior to ("pre-event") and after ("post-event"). As noted in the report, typically the City refers to trip generation rates for traditional project types (i.e. residential, commercial, etc.) published in the Institute of Transportation Engineers (ITE) latest edition of its Trip Generation manual. However, the ITE manual does not identify trip generation rates for an arena of this type.

Accordingly, the report referred to national research and data from several other arenas and stadiums, and made some assumptions in identifying trip generation rates, as follows:

- Mode of travel: 1% arrive by transit; 2% arrive by hotel shuttle; 2% arrive by bicycle; 10% arrive by foot; 85% arrive by auto (including rideshare).
- Auto occupancy: 2.5.
- Arrival times (7:30pm event start): 21% arrive from 5:30 to 6:30; 67% arrive from 6:30 to 7:30; 12% arrive after 7:30.
- Departure times: 10% leave before end of event; 70% leave in the hour after the event; and 20% leave in the hour following.

The report analyzed a “sell-out” AHL or concert event. In this case, the report determined for a “sell-out” AHL event (occurring five times annually), the arena will generate 3,419 trips (2,291 occurring in the pre-event hour, and 2,393 occurring in the post-event hour). Likewise, for a “sell-out” concert event (occurring 20 times annually), the arena will generate 3,840 trips (2,573 occurring in the pre-event hour, and 2,688 occurring in the post-event hour).

The City Engineer has reviewed these assumptions, and observes that a more conservative approach would assume that more guests arrive by auto, and arrive/depart within the first hour of an event. (Assuming 95% arrive by auto would imply 10% additional traffic, or a total of 3,761 trips for the AHL event or 4,224 trips for the concert event.)

In order to evaluate the potential traffic impacts caused by the arena, the report first estimated future traffic conditions in 2022 (without traffic generated by the arena) by identifying additional trips to be generated by other projects planned and approved by the City within a 1.5 mile vicinity around the arena (a list of 25 different projects contributing future traffic was identified); and, applying an ambient growth factor of 1% annually over the three-year period from 2019 to 2022.

The report determined that, absent traffic generated by the arena, by 2022 with additional traffic generated by other approved projects, and with ambient growth, the majority of intersections will continue to operate at LOS C or better, with a small increase in the number of intersections operating at LOS E or F.

The report then analyzed future traffic conditions in 2022 at all studied intersections by adding the trips generated by the arena. The report analyzed Friday or Sunday events,⁴ and concluded the following:

- For Friday events, the arena is expected to cause significant effects at 9 intersections in the pre-event hour (7 locations are stop-controlled, 2 locations are signals);
- For Friday events, the arena is expected to cause significant effects at 5 intersections in the post-event hour (4 locations are stop-controlled, 1 located is a signal);
- For Sunday events, the arena is expected to cause significant effects at 9 intersections in the pre-event hour (6 locations are stop-controlled, 3 locations are signals); and
- For Sunday events, the arena is expected to cause significant effects at 9 intersections in the post-event hour (6 locations are stop controlled, 3 location are signals).

The report also analyzed future traffic conditions in 2022 at all studied roadway segments by adding the trips generated by the arena. The report analyzed Friday or Sunday events, and concluded the following:

- For Friday events, the arena is expected to cause significant effects at 9 roadway segment locations; and
- For Sunday events, the arena is expected to cause significant effects at 2 roadway segment locations.

The following tables identify the locations where significant effects are anticipated. Note that Saturday events (typically concerts) will cause similar significant effects as noted for Friday events in this table.

⁴ The report states that Thursday and Saturday events were not analyzed as their conditions are similar to Friday and Sunday traffic conditions. Regarding Thursday, the report notes the traffic conditions caused by VillageFest, but that there would be very few arena events on Thursday nights, and the events held would be lower attendance events generating 33% lower traffic. (The City Engineer has recommended a condition that requires the Applicant to avoid scheduling any Thursday night events to avoid traffic congestion caused by VillageFest.) Further, the report states that for Saturday events, the traffic conditions are very similar to Fridays, and the sell-out concerts to be held on Saturday nights would cause the same significant traffic impacts as shown for Friday events.

Summary of Significant Intersection Effects

Intersection ID	Location	Control Type	Friday		Sunday	
			Pre-Event	Post-Event	Pre-Event	Post-Event
8	Palm Canyon Drive & Vista Chino	Signal				X
21	Indian Canyon Drive & Granvia Valmonte	Two-Way Stop	X	X	X	X
22	Indian Canyon Drive & Alejo Road	Signal		X		X
25	Indian Canyon Drive & Tahquitz Canyon Way	Signal	X		X	X
30	Calle Encilia & Alejo Road	Two-Way Stop	X	X	X	X
36	Calle El Segundo & Amado Road	All-Way Stop	X		X	X
39	Calle El Segundo & Ramon Road	Two-Way Stop	X	X	X	X
47	Avenida Caballeros & Tamarisk Road	All-Way Stop	X			
48	Avenida Caballeros & Alejo Road	All-Way Stop	X	X	X	X
56	Sunrise Way & Vista Chino	Signal	X		X	
58	Sunrise Way & Tamarisk Road	Two-Way Stop	X		X	X

Summary of Significant Roadway Effects

Segment ID	Segment	Location	Friday	Sunday
8	Indian Canyon Drive	North of Tachevah Drive	X	
10	Indian Canyon Drive	North of Andreas Road	X	X
11	Indian Canyon Drive	South of Tahquitz Canyon Way	X	X
12	Indian Canyon Drive	North of Ramon Road	X	
13	Alejo Road	East of Indian Canyon Drive	X	
35	Sunrise Way	North of Tachevah Drive	X	
36	Sunrise Way	South of Tamarisk Road	X	
37	Sunrise Way	South of Alejo Road	X	
45	Ramon Road	East of Farrell Drive	X	

Generally, with any development project that demonstrates it causes significant traffic impacts at City intersections or roadways, the City Engineer will recommend the applicant mitigate the impacts such that the LOS of the affected intersection or roadway is improved

to at least LOS D consistent with the City's General Plan. Often, this mitigation requires construction of physical improvements (additional turn lanes, new traffic signals, etc.), or, if the mitigation is not solely caused by the project (meaning, the traffic condition occurs without the project, but is worsened with the project traffic), the resulting mitigation is payment of a fair share contribution (deposit) towards future improvements to mitigate the condition.

In this case, the report suggest that the events held at the arena occur on a non-permanent basis, and are considered temporary significant effects. At some locations, this approach appears reasonable, in that staff would not recommend installation of traffic signals at minor intersections controlled by stop signs having a significant traffic impact during the period shortly before or after an event (e.g., Calle Encilia/Alejo Road, or Calle El Segundo/Amado Road). This would establish traffic signals at locations not warranted at all other times of the year, except before and after an arena event.

However, some locations warrant further analysis and a determination of the appropriate mitigation of the resulting traffic impacts, caused by the arena. On this basis, the City Engineer has included a condition of approval recommending that the Applicant continue coordinating with the City on its peer-review of the transportation analysis report, and make appropriate revisions (in part to adjust certain assumptions made in the analysis), and be required to comply with any recommendations or additional mitigation measures resulting from the City's completed peer-review analysis.

For the majority of locations having short-term (temporary) significant traffic impacts caused by the arena before and after events, these impacts may be mitigated through a comprehensive Transportation Management Plan. The City Engineer has included a condition of approval (ENG 51) that outlines the elements of such a Transportation Management Plan:

- Developing and implementing real-time traffic information via web/mobile app showing travel routes, available parking lots, ride-share locations, transit/shuttles, and similar information;
- Deployment of traffic control officers at all key intersections to guide/direct traffic;
- Development and implementation of special traffic signal timing plans at key intersections;
- Deployment of electronic message boards at locations required by the City to guide traffic to arena events; and
- Development and implementation of pedestrian management/control measures (barricades, pedestrian routes, traffic control officers at key crosswalks).

Street Access and Pedestrian Connectivity:

The site plan included in the Project Report shows that the on-site surface parking lot will have two driveways on the Calle Encilia frontage, one driveway on the Alejo Road frontage, and one driveway on the Calle El Segundo frontage. A separate VIP drop-off

driveway will be provided along the Calle El Segundo frontage, but will not have access to the surface parking lot. Delivery vehicles will enter the site from one of the parking lot entries on the Calle Encilia frontage, and circulate to the loading area through the parking lot instead of through the adjacent streets.

In reviewing the access points to the parking lot, the Department of Engineering Services recommends that the driveway entrance on Alejo Road be eliminated to avoid traffic congestion on Alejo Road (Condition ENG 8). In addition, it is recommended that westbound left-turn lanes be added to Alejo Road at Calle Encilia and Calle El Segundo based on the traffic study that has been submitted in conjunction with the Project Report (See Condition ENG 9).

The primary pedestrian entrance to the facility will be located at the southwest corner of the site. A large plaza area will be provided along the south side of the building, and a shade structure will extend from the building to provide shade for pedestrians. A secondary public entrance will be provided at the southeast corner of the site, and VIP entrances will be located on the north side of the building to provide access from the surface parking lot. Due to the high number of patrons that will be walking to the facility from off-site parking lots, it is recommended that the sidewalk widths along the all frontages of the subject site and the crosswalk treatment for the intersections adjacent to the site be designed so as to provide adequate safety for pedestrians. The Applicant may need to provide personnel at intersections before and after events to assist with pedestrian safety, as noted in Condition ENG 51 relative to the Transportation Management Plan.

Streetscape Requirements:

Chapter 5 of the Section 14 Specific Plan provides the streetscape requirements for all major streets within the plan boundaries. The plan calls for the following relative to the arena site:

<i>Street</i>	<i>Requirement</i>	<i>Compliance</i>
Amado Road	<ul style="list-style-type: none">• Minimum 5-foot wide sidewalk with 4-foot landscape buffer• Street trees at 30-foot intervals• Class II bike lanes (5' on-street bike lane)	Partial; street trees along the street frontage may need to be increased to comply with requirements.
Calle Encilia	<ul style="list-style-type: none">• Minimum 6-foot wide sidewalk• Angled on-street parking on both sides of the street	Partial; it is recommended that angled parking be implemented along the street frontage.
Alejo Road	<ul style="list-style-type: none">• Minimum 6-foot wide sidewalk (meandering where possible)• Additional street trees and landscape buffers where feasible	Complies

<i>Street</i>	<i>Requirement</i>	<i>Compliance</i>
Calle El Segundo	<ul style="list-style-type: none"> • Minimum 5-foot wide sidewalk with 4-foot landscape buffer • Angled on-street parking on both sides of the street 	Partial; it is recommended that angled parking be implemented along the street frontage.

Design Guidelines:

Chapter 7 of the Section 14 Specific Plan establishes design guidelines for both architectural design and site design.

<i>Design Guidelines (Chapter 7)</i>		<i>Compliance</i>
7.1.1	<p><i>Architectural Character. Building designs shall utilize the styles and themes identified in Table 7-1.</i></p> <p>The proposed design of the building uses a modern architectural vocabulary, which is consistent with the specific plan requirements.</p>	Y
7.1.2	<p><i>Materials and Colors. Materials and colors should have a relationship to Palm Springs' heritage; the use of quality materials and harmonious colors is encouraged.</i></p> <p>The proposed colors and materials as shown in the exhibits in the Project Report appear to be consistent with the requirements of the Section 14 Specific Plan.</p>	Y
7.1.3	<p><i>Massing/Building Bulk. Buildings should be articulated in form, provide pedestrian interest, orient entrances to the primary street, articulate corners, provide equivalent design treatment on all sides, and avoid blank walls.</i></p> <p>By placing two levels of the building below grade, the apparent height and massing of the building are significantly reduced and help to reduce the impact of the structure. Pedestrian entrances are appropriately oriented to the street, and attention has been paid to articulation of the building on the southern frontage. The north and east elevations of the building have limited articulation and detailing; it is recommended that these elevations be further studied, so as to comply with the requirements of the specific plan.</p>	Partial
7.1.4	<p><i>Roofs. Roof forms should reflect historic patterns found in Palm Springs; variation in roof line height and planes is encouraged, all roof-mounted equipment shall be screened.</i></p> <p>The roof of the arena has a slight pitch, but will mostly appear flat when seen from the grade level. There is adequate variation in the height of the various roof elements, which assists in reducing the massing. No roof equipment is visible in the exhibits that are included in the Project Report.</p>	Y

Design Guidelines (Chapter 7)		Compliance
7.1.5	<p><i>Windows and Doors. Entry doors and windows fronting on public streets should be treated as special design features; primary entrances to buildings should be oriented to the major street. Windows should be designed with consistency.</i></p> <p>Entry doors are oriented to the street along the principal frontage of the building; the exhibits depict general consistency in the treatment of the windows.</p>	Y
7.1.6	<p><i>Shade Structures and Devices. Shade structures, with or without landscaping elements, should be a primary theme in the design of the project, including wood trellises, arcades, metal pavilions, canvas awnings, and metal and glass awnings.</i></p> <p>A shade structure that extends from the south façade of the building is the primary architectural feature of the building.</p>	Y
7.2.1	<p><i>Building and Parking Orientation. Buildings should be placed with a street orientation to emphasize the pedestrian environment and create the sense of an edge along the street.</i></p> <p>The design of the building emphasizes the pedestrian environment on the south side of the site, and defines the street edge along the east and west frontages. The parking lot is located to the rear of the building.</p>	Y
7.2.2	<p><i>Access and Circulation. Access and circulation should be designed to provide a safe and efficient system for pedestrians and vehicles; pedestrian pathways should be provided from the street to facilitate foot traffic.</i></p> <p>Direct access is provided to the facility from the public sidewalks that will be developed at the perimeter of the site. As previously noted, crosswalks at intersections abutting the site should be designed for pedestrian safety.</p>	Y
7.2.3	<p><i>Parking Site Design. Parking should be located to the rear or side of the principal building; use landscape screening along street edges. Parking should be designed with green parking lot design principles, such as using landscaping or permeable pavers to filter runoff. Installation of electric vehicle infrastructure is encouraged.</i></p> <p>On-site parking is located to the rear of the building on the northern half of the site. There are no details provided as to whether the parking lot will be designed in accordance with the green principles detailed in the Section 14 Specific Plan.</p>	Partial
7.2.4.	<p><i>Open Space and Landscaped Areas. Landscaping and open spaces should be designed to be an integral part of the site plan and compatible with streetscape requirements. Plazas and courtyards should be essential elements in the design of all projects.</i></p>	Y

Design Guidelines (Chapter 7)		Compliance
	A plaza will be provided along the southern frontage of the site. Landscaping at the perimeter of the site is intended to serve as the streetscape treatment.	
7.2.5	<p><i>Fences/Walls. Fencing or wall should be consistent with the architectural character of buildings; solid, continuous walls are discouraged unless needed for screening. Fences and walls shall be compatible with the design of the principal structure; no wall or fence shall extend more than 25 feet without a visual break created by articulation.</i></p> <p>Walls are depicted as being consistent with the materials of the building; however, the screen wall on the east side of the side does not appear to have any articulation.</p>	N
7.2.6	<p><i>Lighting. Dramatic lighting of the entertainment resort areas along Tahquitz Canyon and Indian Canyon is encouraged. Enough lighting should be provided to light parking lots safely, but light should be shielded from the sky and adjacent residential uses.</i></p> <p>No information has been provided relative to the site lighting for the facility. It is recommended that the site lighting be designed in compliance with the requirements of PSZC Section 93.21.00.</p>	N/A
7.2.7	<p><i>Preservation of Existing Site Features. Existing site conditions, such as mature trees, natural drainage courses, mountain views, and historic structures should be incorporated into a proposed development.</i></p> <p>At 61 feet in height, the proposed structure will impede certain mountain views; however, the Applicant has attempted to minimize the impact by leaving the northern portion of the site open and by placing two levels of the building below grade. The exhibits in the Project Report suggest that the existing trees at the perimeter of the site will be removed. There are no historic structures or natural drainage courses on the site.</p>	Partial
7.3.1	<p><i>General Landscaping. Landscaped areas should be designed in accordance with PSMC Section 8.60. Planting designs should focus on extensive use of drought-tolerant plant materials and native plant species; plant designs should conform to the suggested choices identified in Table 7-2.</i></p> <p>Plant selections are generally consistent with the suggested plant list in Table 7-2 of the design guidelines. Other selected materials are generally drought tolerant and are recommended in the "Lush and Efficient" manual published by the Coachella Valley Water District.</p>	Y

Design Guidelines (Chapter 7)		Compliance
7.3.2	<p><i>Landscaping of On-Site Parking. Landscaping should be provided along the perimeter of any surface parking lot; a 4-foot screen wall shall be added to shield parking from adjacent rights-of-ways. The requirements of PSZC Section 93.06.00 shall apply for landscaping within a surface parking lot.</i></p> <p>The provided exhibits do not show a screen wall at the perimeter of the site. The landscape plan shows landscape islands that generally appear to be in conformance to PSZC Section 93.06.00. More accurate plans will be needed to determine conformance with parking lot shading requirements.</p>	Partial

ENVIRONMENTAL DETERMINATION:

The Project Report indicates that a Categorical Exclusion (CE) will be prepared for the project in accordance with the Tribal Environmental Policy Act (TEPA). A Preliminary Environmental Project Review was prepared by the Tribe, evaluating the potential effects of the proposed project, including impacts related to aesthetics, air quality, biological resources, cultural resources, geology and soils, hazards, mineral resources, noise, traffic/circulation, utilities, and water. The Tribe has determined that based on the analysis, no adverse environmental impacts are anticipated.

While the environmental impacts may not be significant enough to trigger additional analyses, the Preliminary Environmental Project Review does include several environmental impacts that should be mitigated beyond what is described in the report. The following section of this report details the issues and provides suggested mitigation measures.

Lighting – Section 2.1 (Aesthetics). On page 2.1-3, the report states “The Project Site is located within an urbanized area where illumination from streetlights, building lights, and vehicular headlights already exist in the Project vicinity.” However, this particular area is relatively undeveloped and has minimal lighting. It is located on the border between residential and commercial zones in the City. It is bordered on both the north side and the east side by residential developments, many of which are oriented to face south and west to capture mountain views. As such, many of these nearby residents will be directly and significantly impacted by both the building and site lighting. Lighting should be minimized on the east and north side of the project as much as possible to reduce the impact to nearby residents. In particular, consider safety lighting at the ground level and only minimal (if any) lighting of the building façade on the east side.

Greenhouse Gases – Section 2.2 (Air Quality). On page 2.2-6, the report states that “there would be no significant effects related to GHG emissions.” Table 2.2-4 indicates that the project will add approximately 5.5 metric tons of CO₂ equivalent (MTCO₂e) greenhouse gas emissions to City calculations annually. The City estimates that its

emissions will be about 313,000 MTCO₂e per year when the project comes to fruition given the planned move to green power options under Desert Community Energy (DCE) Community Choice Aggregation (CCA) in April 2020. Based on these estimates, the arena project would constitute a 1.8% increase in emissions. The City's Climate Action Plan and Sustainability Plan call for an 80% reduction of GHG emissions below 1990 levels by 2050, and the State has set a goal of 40% reduction by 2030. The City would need to take additional mitigating actions to meet these goals considering the increased GHG emissions from the arena project. The following measures should be considered:

- Secure power for the arena from renewable energy sources. The report notes that building GHG emissions account for about 1.3 of the 5.5 MTCO₂e/yr. There is no mention of any plan to install solar photovoltaic systems or employ other green power approaches to address building energy needs. The City recommends that the Applicant install solar photovoltaic systems on the roof and/or secure a 100% carbon-free power supply. This could be done through SCE or by participating in Desert Community Energy's (DCE's) 100% carbon-free option.
- Adopt measures to reduce mobile source emissions during operation. Table 2.2.4 states that 3,356 tons of GHG will be generated from operational (mobile) sources, which represents nearly two-thirds of the total annual GHG emissions for the project. Assuming that these GHG emissions are from trips to and from arena events, the City recommends that the Applicant implement a variety of measures to decrease automobile trips to and from events. For example:
 1. Work with the Airport to use the overflow parking lot off Kirk Douglas Way as arena parking for Down-Valley visitors, with Sunline Transit Agency providing shuttle transportation to and from the lot via the Buzz trolley on its off nights (Sunday – Wednesday) or other available clean fuel buses. A parking fee can be charged to offset the costs of the shuttle service. Shuttle bus service can also be developed for the City's downtown parking lots, as the transportation study suggests that they would be used for arena parking.
 2. Work with Sunline to create an express service along State Route 111 on event nights, like what the San Francisco MTA has done for the new Chase Center. There would normally be ample available free parking at various shopping centers along 111.
 3. Work with the Engineering Services Department to time traffic lights at key intersections as noted in Figure 2.15.-1 and Table 2.15-6 to reduce backups and car idling.
 4. Install bike racks or ideally a secure bike pen at the arena and encouraging bike transportation by Palm Springs residents and hotel visitors with bike access.
 5. Follow, at a minimum, the Electric Vehicle charger requirements of the 2019 Energy Code and California Green Building Standards Code.

Energy – Section 2.2 (Air Quality). Page 2.2-5 of the Preliminary Environmental Project Review states that the Project is expected to consume approximately 6.4 million kilowatts per year of electricity and approximately 9.1 million cubic feet per year of natural gas – even after implementing a variety of energy efficiency features. The Applicant should work with Southern California Gas Company (SoCal Gas) to identify a renewable natural

gas supply now or in the future. Should the City develop a methane recapture process for its wastewater treatment plant, this could also serve as one of the renewable natural gas sources.

Waste – Section 2.16 (Utilities and Service Systems). On page 2.16-11, the report notes that the project will have to meet the county's 75% waste diversion goal – meaning 75% of waste generated would be diverted from landfill. In addition, the facility will likely have to meet the organics diversion goals of SB 1383, when finalized. This means that food and green waste generated on site will need to be sent to an organics processing facility. With these things in mind, the Applicant should consider the following:

- Establish a zero waste infrastructure at the facility. Ensure that all materials that are used are able to be recycled or processed post-use. This will require a targeted purchasing program and coordination with event leaders as well as installation of containers and signage to facilitate proper collection of materials. Also, the Applicant should ensure that there is sufficient back-of-house space dedicated to materials storage and handling.
- Institute a policy for utilizing reusable materials for all on-site dining where possible consistent with the single-use plastics ordinance under development. This will help limit waste from food service ware.
- Prepare to implement a robust organics management program. Given that a significant portion of the waste generated from the event will be food-related, the Applicant should institute a comprehensive program to not only collect food waste from the food preparation operations, but also institute a program to collect food waste from patrons.

Water Resources and Utilities – Section 2.16 (Utilities and Service Systems). As mentioned in Section 2.16 of the Preliminary Environmental Project Review, the Project would result in an approximate net water demand of 35.7 acre-feet per year. The Applicant should consult with DWA to review potential water efficiency opportunities. Page 2.16-1 of the Preliminary Environmental Project Review states the Project will use high-efficiency irrigation systems and drought-tolerant landscaping, and reclaimed water for irrigation wherever feasibly possible, consistent with the 2002 EIS/EIR completed for the Section 14 Specific Plan and Tribal Land Use Ordinance requirements. The project also may have a unique opportunity to use the water generated from melting ice as an irrigation source.

CONCLUSION:

The proposed arena facility will contribute to the economic health of the community and will result in the consolidation and redevelopment of under-utilized properties in the City core. While the City supports the work of the Tribe in bringing this facility to the community, there are impacts relative to the use that need to be addressed. These issues are as follows:


1. *Police Protection:* Additional police personnel and equipment are necessary to address the increase in visitors associated with the arena project.

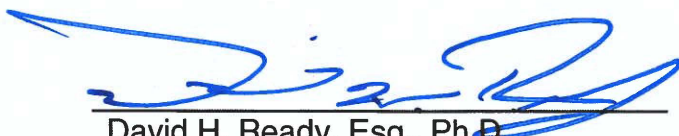
2. *Fire Protection:* Additional fire personnel, equipment, and facilities are necessary to provide adequate protection for the arena facility; in particular, Fire Station #1 will need to be upgraded/relocated to accommodate the necessary equipment and personnel.
3. *Traffic Issues:* The Applicant shall submit a Transportation Management Plan for review and approval by the City to address the traffic impacts associated with the arena facility; the Applicant shall be responsible for costs associated with the implementation of the plan.
4. *Parking Issues:* The Applicant shall provide all required parking on-site; to the extent this does not occur, the Applicant shall submit a Parking Management Plan for review and approval by the City to address the impacts associated with its deficiency of on-site parking; the Applicant shall be responsible for the costs associated with the plan. In addition, the Applicant shall implement the Angled Parking Conceptual Design Plan as proposed by the Tribe.
5. *Event Coordination:* Associated with traffic and parking management, the Applicant shall submit an annual Project Operation Plan to the City for review and approval. The plan shall include dates of all proposed arena events for the upcoming year, and shall specifically prohibit events during major City special events such as Village Fest, parades, White Party, etc.
6. *Compliance with the Section 14 Specific Plan:* The Applicant shall revise the design of the arena facility to comply with the Section 14 Specific Plan streetscape standards (Chapter 5), development standards (Chapter 6), and design guidelines (Chapter 7), as outlined in this report.
7. *Impacts to Adjacent Residential Uses:* The Applicant shall work with area residents (Movie Colony Neighborhood, Villa Alejo, St. Tropez Villas, Deauville Condominiums, Plaza Villas) to address concerns related to traffic and parking impacts of the arena facility.

Staff has prepared suggested conditions of approval which address the issues associated with the development of the arena facility listed above, which are included as Attachment 2 to this report.

SUBMITTED:


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Attachments:

1. Vicinity Map
2. Draft Resolution and Recommended Conditions of Approval
3. Police Department Memo
4. Fire Department Memo
5. Transportation Study – Scoping Letter
6. Justification Letter
7. Palm Springs Arena Project Report
8. Section 14 Angled Parking Conceptual Design Plan
9. Parking Impact Analysis – Review by LAZ Parking
10. Public Comment Letters